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**OCT 25 2010**

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF OKLAHOMA

CLERK, U.S. BANKRUPTCY COURT  
WESTERN DISTRICT OF OKLAHOMA

**FILED**

IN RE: MICHAEL L. CALLOWAYSR, and  
LILLIE E. CALLOWAY

**OCT 25 2010**

CASE NO: 09-16011-SAH  
CHAPTER 7

Defendants,

GRANT PRICE  
CLERK, U.S. BANKRUPTCY COURT  
WESTERN DISTRICT OF OKLAHOMA  
BY: \_\_\_\_\_ DEPUTY

RED RIVER ROOFING AND CONSTRUCTION, INC.,

Adv. Pro. 10-1043-SAH

Plaintiff,

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## FINDINGS OF FACT AND CONCLUSION OF LAW

Assertion.... A positive statement or declaration that is without support or reason.  
(2) A contention, claim, or allegation that is unwarranted and without merit.

With all respect to the court, plaintiff (movant) has NO Facts to contradict or dispute. The court knows that there is absolutely no way to dispute assertions upon which the movant is using as an attempt to manipulate our justice system. If this were true then through all assertions the court would not be valid and our justice system would not be credible.

## RESPONSE

Movant's request is without merit and should be denied. Movant has only submitted material full of assertions and accusations without support or foundation. Claims asserted by movant have NO BASIS for determination without question regarding critical facts of the matter which movant has not produced.

## **FINDINGS OF FACTS UNDER LAW**

- 1. Under Rule 7056-1 (b) Movant has only submitted assertions not material fact upon which no grounds have be provided or proven. The rule does NOT reference assertions**
- 2. Movant has also failed to submit TRUE and FACTUAL statements, affidavits, or any form of documentation for defendants to contradict the grounds for the motion.**
- 3. Rule (e) each statement converting any material fact NOT ASSERTIONS shall be followed by evidence. Evidence has not been produced.**

**Statement from the court for defendant to produce evidence contradicting the facts asserted by movant cannot be provided as requested. The court must understand and be clear that the facts and assertions are not the same. The court is requesting defendants to do what the court knows it is impossible to do.**


**To follow the rules of the court to justify and clarify what movant have been unable to do. (1) With all respect and honor to the court defendants request that the court provide the same treatment and demand to the plaintiff (movant) to provide equal and sufficient evidence to justify NOT SATISFY their requests. (2) Also that the same constraints be enforced as well as the court not allowing the plaintiff to continue with their efforts to abuse, manipulate, and mock our courts and justice system. As requested by the court the documentary evidence produced by defendant is as follows:**

## **DOCUMENTED EVIDENCE CONTAINING ASSERTATIONS**

### ***DEFERRED PROSECUTION AGREEMENT***

The State of Oklahoma by W.A. Drew Edmondson, Attorney General, through Don D. Brown, Assistant Attorney General, in and for the State aforesaid, pursuant to Title 22 O.S. § 305.1 et seq., enters into ttle following Deferred Prosecution Agreement with Michael Calloway, d/b/a A Plus Medical Care, hereinafter referred to as "Calloway."

**Respectfully,**



**Michael L. Calloway Sr.  
P.O. Box 2031  
Edmond, Ok 73083**